

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. C05-5837 FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
MOTIONS FOR TEMPORARY
RESTRAINING ORDER AND
IMPOSITION OF SANCTIONS


This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Plaintiff's motion for a temporary restraining order to have all vacated special housing unit cells cleaned by certified professionals and that sanctions be assessed against Defendants be denied. Plaintiff has filed an objection to the Report and Recommendation.

Plaintiff is in the custody of the Department of Corrections at the Washington State Penitentiary in the Intensive Management Unit. At issue in Plaintiff's motion are his allegations that he was placed in unsanitary special housing cells at the Washington Corrections Center. As detailed by the Magistrate Judge, Plaintiff has not shown and cannot show immediate threat of irreparable injury that would warrant injunctive relief. Plaintiff has not shown that he is likely to succeed on the merits of his case as there is nothing in the record but speculation based Plaintiff's subjective observations to support his allegations. Additionally, Plaintiff has failed to show how the balance of potential harm favors his request for preliminary relief. In regard to sanctions, there is no evidence in support of their imposition.

1 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.
2 Strombom, Plaintiff's objection thereto, and the remaining record, does hereby find and ORDER:

- 3 (1) The Court adopts the Report and Recommendation;
- 4 (2) Plaintiff's motion for nominal sanctions and injunctive relief [Dkt. # 116] is **DENIED**;
5 and
- 6 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants
and to the Hon. Karen L. Strombom.

7 DATED this 15th day of January, 2008.

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10 FRANKLIN D. BURGESS
11 UNITED STATES DISTRICT JUDGE
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